



Nevada State Board of Medical Examiners

*** * * A M E N D E D M I N U T E S * * ***

OPEN SESSION BOARD MEETING

**Held in the Conference Room at the offices of the
Nevada State Board of Medical Examiners**

1105 Terminal Way, Suite 301, Reno, NV 89502

and videoconferenced to

the conference room of the Nevada State Board of Dental Examiners

6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

FRIDAY, MARCH 28, 2008 – 8:30 a.m.

and

SATURDAY, MARCH 29, 2008 – 8:30 a.m.

Board Members Present at Board Office

Javaid Anwar, M.D., President

Sohail U. Anjum, M.D., Vice President

Charles N. Held, M.D.

Jean Stoess, M.A.

Cindy Lamerson, M.D.

S. Daniel McBride, M.D.

Benjamin J. Rodriguez, M.D.

Renee West

Board Members Present by Telephone

Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Staff Present

Drennan A. Clark, J.D., Executive Director/Special Counsel

Laurie L. Munson, Deputy Executive Director/

Information Systems Administrator/Chief of Administration

Edward O. Cousineau, J.D., Deputy General Counsel

Lyn E. Beggs, J.D., Deputy General Counsel

Douglas C. Cooper, Chief of Investigations

Lynnette L. Daniels, Chief of Licensing

Shawna M. Rice, Compliance Officer/Investigator

Carolyn H. Castleman, Deputy Chief of Licensing

Jerry C. Calvanese, M.D., Medical Reviewer

Also Present

Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General
Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation (in Las Vegas)
John Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Janet Wheble, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Roy Cary, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
John Steinmetz, R.R.T., Practitioner of Respiratory Care Committee Member (in Las Vegas)
Donald Rider, R.R.T., Practitioner of Respiratory Care Committee Member

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Javaid Anwar, M.D., at 8:35 a.m.

Ms. Guerci-Nyhus took roll call, and all Board members were present. Ms. Guerci-Nyhus announced that there was a quorum.

Agenda Item 2

APPROVAL OF MINUTES

- November 27, 2007 Emergency Telephone Conference Call Board Meeting – Open Session
- November 30 & December 1, 2007 Board Meeting – Open/Closed Sessions

Dr. Anjum moved to approve the Minutes of the November 27, 2007 Emergency Telephone Conference Call Board Meeting - Open Session. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion. Dr. Rodriguez moved to approve the Minutes of the November 30 & December 1, 2007 Board Meeting – Open/Closed Sessions. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 32

PUBLIC COMMENT

Dr. Anwar asked whether there were any members of the public present who would like to make a public comment, and there were none.

Agenda Item 8

**CONSIDERATION OF REQUEST FOR APPROVAL TO HOLD AN “AESTHETIC SHOW,”
WITH LIVE, NON-SURGICAL AESTHETIC TREATMENT DEMONSTRATIONS AND
TRAINING, AT THE MANDALAY BAY RESORT IN LAS VEGAS ON MAY 30-JUNE 1**

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated she didn't see a problem with granting the request. All physicians involved have checked out, their licenses are clean, and Dr. William Werschler, a Nevada licensee, will assume all responsibility and liability for any problems that may arise related to the show.

Dr. Anjum moved to approve the request. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF REQUEST OF S. RANDOLPH WALDMAN, M.D., FOR APPROVAL OF LIVE DEMONSTRATIONS OF INJECTABLES (BOTOX, RESTYLANE AND RADIESSE), AS PART OF SEMINAR ON ADVANCED TECHNIQUES IN INJECTABLES AND FILLERS, JUNE 18-22, 2008, AT THE BELLAGIO HOTEL IN LAS VEGAS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels advised the Board that Nevada licensee, Vincent Nalbhone, M.D., will assume all responsibility and liability for any problems that may arise in conjunction with the demonstrations proposed.

Dr. Rodriguez moved to approve the request. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 10

CONSIDERATION OF REQUEST BY FEDERATION OF STATE MEDICAL BOARDS OF THE UNITED STATES (FSMB) TO ACCEPT FCVS VERIFIED CREDENTIALS ON PHYSICIAN ASSISTANT APPLICATIONS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels explained that the Board currently accepts FCVS packets from the FSMB for physicians. These hold the core credentialing information concerning education, as well as examination scores. The FSMB has now come out with a baseline package for physician assistants, and she recommends that the Board accept them as well.

Dr. Baepler asked whether they speed up the licensing process, and Ms. Daniels stated they do assist in the licensing process.

Dr. Rodriguez moved that the Board accept the FCVS packets from the FSMB for physician assistants. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

UPDATES ON BOARD-SPONSORED TWO-HOUR COURSE ON MEDICAL ETHICS AND PEER REVIEW STUDY

- Jerry C. Calvanese, M.D., Medical Reviewer

Dr. Calvanese stated the medical ethics course offered by the Board continues to receive a great response and continues to be a bright spot for the Board. It is one of the few programs in the country sponsored by state boards. It is costing the Board hardly anything, as the expenses are generally covered by the inviting agency. It has been well-received by the physicians and continues to evolve. The program was attended by approximately 400 physicians the past year.

Dr. McBride suggested that with the upcoming legislative session, Dr. Calvanese offer a special lecture to any members of the Legislature and their staff to demonstrate what the Board does, as this might provide some insight in terms of how the Board functions, and at the same time he could solicit some insight from the Legislators.

Dr. Calvanese believes the peer review study will be a positive thing for the Board. It will be used for internal monitoring of peer reviews, but he also envisions presenting the study to the FSMB. This would be the first ever to be undertaken by any board in the country. It will be a two-year study, which he began in December. The study will determine the number of peer reviews requested by specialty, the location of peer reviews in the state and by specialty, the location of the physicians being reviewed by specialty, the origin of complaints by percent per peer review by specialty, the overall percentage of malpractice findings by peer reviews, by specialty and in total, the average time it takes to receive back a peer review and the average cost of a peer review. Additionally, it will assist the Board in identifying those peer reviewers who are known to do a good job overall for the Board.

Dr. Lamerson suggested Dr. Calvanese may have to expend the project over additional years, as his end number after two years may be very small. Dr. Calvanese agreed that it may take additional time, and he will keep the Board updated on his progress.

Agenda Item 3

CONSIDERATION OF ADOPTION OF AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Add Additional Circumstances Under Which an Applicant Will be Deemed to Have Satisfied the Requirements of NAC 630.080(2) (Ten-Year Rule)
- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Revise Time Limits and Number of Attempts Allowed for Passage of All Three Steps of the USMLE
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.505 to Add Language Regarding Board-Recognized Educational Programs for Practitioners of Respiratory Care
 - Edward O. Cousineau, J.D., Deputy General Counsel
- **Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Add Additional Circumstances Under Which an Applicant Will be Deemed to Have Satisfied the Requirements of NAC 630.080(2) (Ten-Year Rule)**

Mr. Cousineau explained that the first two regulations before the Board at the meeting relate to NAC 630.080. The first one is in response to a need on the part of the Licensing Division to hopefully expand the Board's applicant base. If an applicant applies pursuant to NRS 630.160, and is currently certified by the ABMS or has been recertified in the past 10 years, he meets the statutory requirement with respect to the 10-year examination rule. With respect to those individuals who were not required to recertify with the ABMS because they were originally certified prior to the change in ABMS policy, they used to apply under the endorsement statute. Since the endorsement statute has changed, it now precludes some of these individuals from obtaining licensure in Nevada. If the proposed modification to the regulation is approved, it may allow some of those individuals to obtain licensure in Nevada. There was no public comment offered during the workshops or the hearing. He would like to incorporate some language that was not included initially, that would further clarify that the regulation is to apply those individuals who were "grandfathered" in their specialties and did not have a certification maintenance requirement.

Dr. Baepler asked about the effect of the change in the regulation upon the licensing procedure.

Mr. Cousineau stated it would allow a handful of physicians to obtain licensure who otherwise would not be able to due to the change in the statutory language, and said he thought if they meet the regulatory requirements, it would facilitate licensure of those physicians without the necessity of an appearance before the Board.

Dr. Baepler moved to adopt the regulation. Dr. Lamerson seconded the motion.

Mr. Cousineau asked whether Dr. Baepler was in agreement with the addition of the language that indicates the regulation applies to applicants who were ABMS certified precedent to the recertification/maintenance requirement. Dr. Baepler stated that was agreeable to him.

Dr. Lamerson again seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Revise Time Limits and Number of Attempts Allowed for Passage of All Three Steps of the USMLE

Mr. Cousineau stated the second regulation again addresses NAC 630.080, this time addressing the USMLE requirement. In late 2005, the Board adopted a regulation limiting the number of attempts and the years allowed for an applicant to pass the three steps of the USMLE. The proposed regulation would change the language from seven years from when an applicant first took any step of the USMLE to seven years from when an applicant first passed any step of the USMLE. Additionally, it will limit the number of attempts on the third step to three. Again, this change is intended to increase the number of physicians who could apply for licensure in Nevada. The Board members have received a letter from Maria Nutile, Esq., who represents a doctor applicant who is currently unable to apply under the regulation as it is currently written, but who would be able to apply if the regulation were adopted. That is the only public comment received at the workshops or hearing.

Dr. Rodriguez asked whether there were any limitations upon the number of attempts to take the USMLE prior to adoption of the regulation in 2005, and Mr. Cousineau stated there were not, and the impetus for adoption of the regulation was that the Board was receiving applications from individuals who had taken the USMLE many, many times, and that was a concern to the Board.

Mr. Clark added that seven years from passage of any step of the USMLE is fairly standard among the states.

Dr. Lamerson added that according to the Federation, the Board seems to be in line with most of the states and where they are going.

Dr. Rodriguez moved to adopt the regulation. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.505 to Add Language Regarding Board-Recognized Educational Programs for Practitioners of Respiratory Care

Mr. Cousineau requested authority to proceed with adoption of a regulation amending NAC 630.505, to incorporate more current language which addresses the Commission on

Accreditation of Allied Health Education Programs. This is an entity that did not exist when the regulation was first adopted; however, it now does the vast majority of credentialing for respiratory therapists.

Dr. McBride moved that the Board authorize staff to proceed with adoption of the proposed regulation. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 4

CONSIDERATION OF REQUEST OF KAREN MCDERMOTT, M.D. TO CONTINUE COLLABORATION WITH/SUPERVISION OF BETH SEIBERT, A.P.N.

- Karen McDermott, M.D.; Beth Seibert, A.P.N.

Ms. Beggs stated that the Board's regulations require that if a collaborating physician is collaborating with an A.P.N. that has been disciplined in any way by the Nevada State Board of Nursing, this Board must approve the continued collaboration.

Dr. Anwar asked Ms. Seibert why she was disciplined by the Nursing Board.

Ms. Seibert stated the discipline was for late renewal of her license. She understands license renewal is her responsibility. Part of the terms of her employment is that her employer pays for license fees, insurance fees, etc., and the office manager takes care of it. She explained that the process has always gone smoothly in the past, but there were various circumstances, which she explained, that led to the renewal fees not being submitted timely to the Board of Nursing.

Dr. Anwar asked whether Dr. McDermott felt comfortable as to Ms. Seibert's ability to care for patients and Dr. McDermott stated that she did.

Dr. Rodriguez asked whether Ms. Seibert continued to practice when she didn't have a renewed license.

Ms. Seibert stated that she did for a time because she was unaware that her license hadn't been renewed, and that was the problem with the Nursing Board. By the time she found out, she was on vacation, so she wasn't practicing then, and then did not practice until the fees were paid and she had the renewed license.

Dr. Held moved that the Board approve the continued collaboration between Dr. McDermott and Ms. Seibert. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 5

CONSIDERATION OF REQUEST BY AREA HEALTH EDUCATION CENTER (AHEC) FOR APPROVAL OF CME CREDITS FOR PHYSICIANS WHO ATTEND ITS "DOMESTIC VIOLENCE AND MEDICAL ETHICS" ONLINE COURSE

- Haley Blake, Continuing Education Program Manager

Discussion ensued concerning what it was the AHEC was requesting from the Board.

Dr. McBride stated they are requesting that the Board accept the credits to satisfy the ethics CME requirement

Dr. Held moved that the Board accept the CME credits to satisfy the ethics CME requirement. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

CONSIDERATION OF REQUEST BY CANCER SCREENING AND TREATMENT CENTER OF NEVADA FOR APPROVAL OF CME CREDITS FOR PHYSICIANS ATTENDING "THE ROLE OF HUMAN GROWTH HORMONE REPLACEMENT THERAPY IN ADULTS ALONG WITH BHRT AND THE LEGAL PRECAUTIONS" CONFERENCE HELD ON MARCH 13-16, 2008, AT THE SIENA HOTEL SPA CASINO IN RENO

- James W. Forsythe, M.D., HMD

Dr. Held stated the Board is not in the business of setting up CME credits, and especially in the case of Human Growth Hormone, which is very controversial in terms of who should be using it and who should not. He moved that the Board not act on the request.

Dr. McBride stated the preceding request was for acceptance of CME credits that had already been approved as Category 1 credits by the AMA. This request has no such presumption and they are asking the Board to grant CME credits, which the Board doesn't do.

Dr. Held clarified that his motion was that the Board not act on the request, because denying would imply the Board has jurisdiction, which it does not.

A vote was taken on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Christine Guerri-Nyhus stated that, pursuant to NAC 630.153, unless approval of continuing education is delegated to staff by the Board, the Board is required to approve or deny a new CME.

Mr. Clark stated that if a request for approval of CMEs is received between Board meetings, a policy has been adopted to allow the President to act on behalf of the Board. However, because this particular request concerned Human Growth Hormone, he deemed that it should be reviewed by the entire Board.

Dr. McBride stated this particular CME has not been approved by the AMA.

Discussion concerning under what circumstances the Board can approve CME.

Dr. Held reiterated the intent of the Board is not to be in the business of approving CME credits, and to accept credits that are only approved by the AMA and the Association of Accreditation Council for Continuing Education, which has been the practice.

Ms. Guerri-Nyhus explained that there are sponsoring organizations who want to be able to say to licensees that their training is approved, and that it is part of the Board's responsibility to approve CME credits because its members, as professionals, know a particular program is one that would benefit others in the profession. Therefore, it appears the Board's current process is a good one.

Agenda Item 7

CONSIDERATION OF REQUEST BY RENO VEIN CLINIC FOR APPROVAL OF CME CREDITS FOR PHYSICIANS WHO ATTEND ITS DIAGNOSIS AND MANAGEMENT OF VENOUS DISEASES COURSES AT THE RENO VEIN CLINIC IN RENO

- Robert F. Merchant, M.D.

Dr. Merchant explained that he wanted to present to the Board a plan of education that would include physicians coming to the clinic and receiving hand's-on experience. It is a unique opportunity for physicians who are seeking additional training in techniques in varicose vein treatment to be able to gain experience in some of these procedures in a very controlled environment. They want to limit it to one or two physicians at a time for one to three days at a time.

Dr. McBride stated it is his understanding that the types of programs that come to the Board typically have already have received approval from an accrediting organization such as the AMA or the American College of Surgeons, in which case they have recognized it as a valuable program for education.

Dr. Rodriguez stated the Board did not have enough information to issue CME credit for this course.

Dr. Merchant explained they were not requesting approval of a training program seeking CME credits. He stated this is a hand's-on training program, and when he spoke with staff of the Board, he was directed to NRS 630.047 as being the applicable statute. The physicians who would take part in the program would be licensed in other states.

Ms. Daniels stated that this would be similar to the request by the "Aesthetic Show," in that Dr. Merchant would notify the licensing staff and they would verify licensure of the participants, except the participants would be going to Dr. Merchant's office.

Dr. McBride stated this falls under the same guidelines of temporary training courses given at major hotels and teaching conferences, and as long as they submit the proper credentials of the instructors and the description of any hands-on patient care that may be administered, it falls under the Board's guidelines.

Ms. Guerri-Nyhus asked Dr. Merchant whether he was applying to the Board for approval of training under NRS 630.047(c) to allow physicians from other states to obtain training in Nevada.

Dr. Rodriguez stated it would be helpful to the Board if Dr. Merchant were to submit an actual curriculum for the training, rather than an outline.

Dr. McBride agreed that more detail would be helpful and suggested the Board table the request until additional detail was received from Dr. Merchant, and encouraged Dr. Merchant to attempt to receive CME approval through one of the local hospitals or the medical school before coming back to the Board.

Mr. Cousineau asked Dr. Merchant whether time constraints would be an issue if the matter were to be tabled until the June meeting, and Dr. Merchant indicated that would be fine.

Dr. McBride moved that the Board table the matter to its June meeting to allow for receipt of additional information from Dr. Merchant relative to the request. Dr. Rodriguez seconded the motion.

A vote was taken on the motion, and is passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

DISCUSSION CONCERNING CESSATION OF APPLICATION FEE DISCOUNT AFFORDED TO APPLICANTS WHO HAVE COMPLETED AT LEAST THREE YEARS OF PROGRESSIVE RESIDENCY TRAINING AT THE UNIVERSITY OF NEVADA SCHOOL OF MEDICINE

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels explained that in 1996, the Board voted to provide a \$200 discount to residents who completed at least 36 months training in the state of Nevada. The Licensing Division works directly with the residency programs and understands their financial plight in obtaining funds for the residents; however, with the Board's current financial status, she does not know whether the Board can afford to continue to offer the discount.

Discussion ensued concerning whether to continue offering the discount.

Dr. Anwar suggested that if the Board discontinued the discount at this time, the matter could be revisited at a future date if the Board's financial status improves.

Dr. Baepler moved that the Board discontinue the discount. Dr. McBride seconded the motion, and it passed, with Dr. Held opposed to the motion and the Chair voting in favor of the motion.

Ms. Daniels stated she would bring the matter back before the Board for review at such time as the Board's financial status was conducive.

Agenda Item 13

REPORT ON STATUS OF PROCESSING MARCH 1, 2008 THROUGH FEBRUARY 28, 2010 BIENNIAL LICENSURE REGISTRATION RENEWALS FOR PRACTITIONERS OF RESPIRATORY CARE

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated the respiratory care renewals were very successful this year. There were 1015 total renewals, and only 10 of those were paper renewals. Two requested non-renewal of their licenses and 148 were suspended for non-payment. Since March 2nd, there have been only two reinstatements. There was 99% utilization of the online system. Staff learned a lot going through the renewal cycle with the physicians and physician assistants and the procedure has been simplified.

Agenda Item 14

CONSIDERATION AND APPROVAL OF CONTINUED MAINTENANCE AND SUPPORT OF ONLINE LICENSURE RENEWALS SYSTEM BY SYSTEM AUTOMATION CORPORATION

- Laurie L. Munson, Deputy Executive Director/Information Systems Administrator/Chief of Administration

Ms. Munson explained that after the online renewals system went online last year, the Board approved a contract for maintenance and support for one year. Last year's contract was

\$45,000 for the year, at a flat monthly fee. This year the Board has the option to enter in to a one-year, flat-fee contract, a three-year, flat-fee contract or a one-year contract that allows for a month-to-month flat fee or hourly fee, dependent upon whether the Board will need full-time support in a particular month, or may need either limited or no support. Now that the Board has been through a full renewal cycle for all three of the professions it licenses, staff has determined that we only need full support in even-numbered years from January through March and for nine months in odd-numbered years. She explained the difference in costs between the flat-fee contract and the month-to-month contract for the next two years, pursuant to the quote received from System Automation.

Dr. McBride moved to approve the month-to-month contract. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 15

REPORTS

- Diversion Program - Quarterly Report - Peter Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Peggy Alby, R.R.T., Advisory Committee Member
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Charles N. Held, M.D., Board Member, Chairperson, Investigative Committee A
 - Sohail U. Anjum, M.D., Chairperson, Investigative Committee B
- Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations; Shawna M. Rice, Compliance Officer/Investigator
 - Status of Investigative Caseload
 - Compliance Program Report
 - Status of In-Office Surgery Reporting for 2007
 - Discussion of Events and Investigative Timeline on Endoscopy Center of Southern Nevada, L.L.C.
- Nevada State Medical Association Liaison Report - Cindy Lamerson, M.D., Board Member; Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Member; Weldon Havins, M.D., J.D., President, Executive Director and Special Counsel, Clark County Medical Society
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member; Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances

- Diversion Program: Quarterly Report

Peter A. Mansky, M.D., Director of the Nevada Health Professionals Assistance Foundation, told the Board the Foundation is continuing to operate very well, its numbers are staying up and they are finding that those who complete the program are continuing to participate to help the new people. The caduceus groups in the north and south continue to be active. The Foundation's finances are currently good because they have tightened up their budget. If they want to expand their activities, they are going to have to find new sources of income, and they are looking for those. They can also accept contributions since they are a 501(c)(3) tax exempt organization.

- Physician Assistant Advisory Committee

John Lanzillotta, P.A.-C, stated the Physician Assistant Advisory Committee had no agenda items to present at the March meeting, but they will be presenting items to the Board at its June meeting that consist of expanding the role of the Committee, including participating in licensing recommendations and disciplinary actions against physician assistants, increasing the number of CME licensing requirements to include medical business ethics, as it relates to physician assistants, and medical malpractice and risk management. They are also reviewing the current requirements involving recertification. They will send an outline to the Board by mid-May so the Board will have an opportunity to review the requests.

- Practitioner of Respiratory Care Advisory Committee

- Consideration of Request for Approval of Appointment of Replacement Committee Member

John Steinmetz, R.R.T. stated that Greg Roaldson, R.R.T. had resigned as an Advisory Committee Member. The Committee was requesting that the Board approve the appointment of Kirk Smith, R.R.T. to the Practitioner of Respiratory Care Advisory Committee to replace Mr. Roaldson. He presented the Board with an overview of Mr. Smith's qualifications and background.

Dr. Held moved that the Board approve the appointment of Kirk Smith to the Practitioner of Respiratory Care Advisory Committee. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**Investigative Committees – Charles N. Held, M.D., Board Member, Chairperson,
Investigative Committee A
Sohail U. Anjum, M.D., Vice President, Chairperson,
Investigative Committee B**

- Consideration of Cases Recommended for Closure by the Committees

Dr. Held reported that Investigative Committee A had considered 98 cases, authorized the filing of a formal complaint in 4 cases, requested an appearance in 5 cases, issued 18 letters of concern, sent 1 case out for a peer review, referred 5 cases back to investigative staff for further investigation or follow-up, reviewed 1 case for compliance and recommended closure of 64 cases.

Dr. Held moved to approve for closure the cases recommended by Investigative Committee A. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum reported that Investigative Committee B had considered 93 cases, authorized the filing of a formal complaint in 6 cases, requested an appearance in 2 cases, issued 13 letters of concern, sent 1 case out for a peer review, referred 2 cases back to investigative staff for further investigation or follow-up and recommended closure of 69 cases.

Dr. Held moved to approve for closure the cases recommended by Investigative Committee B. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Investigations Division

- Status of Investigative Caseload

Mr. Cooper stated that 191 cases were reviewed by the Investigative Committees and 133 cases were recommended for closure. The Investigative caseload has been impacted by the loss of Investigator Terri Ward, who left the office for another position. Shawna Rice has replaced Ms. Ward as the Compliance Officer. There were 640 open cases prior to this meeting, which was 177 cases per investigator, and with the closure of the cases by the Investigative Committees, they are down to approximately 80 cases per investigator, which is manageable. There are 28 peer reviews in the field and 11 in the queue. There are 165 current cases to open from the Clark County Civil Courts and they are averaging 30 to 35 new cases coming in per month. The majority of investigative resources are currently going to the Hep-C matter in Las Vegas.

- Compliance Program Report

Ms. Rice reported that the total outstanding debt owed to the Board in December was \$76,127.81. From the adjudications at the December meeting, \$24,391.11 was added, and the current outstanding balance due the Board is currently \$81,262.13. From November to March the Board has collected \$19,256.77.

Dr. Anwar asked about the likelihood of collecting the amount due. Mr. Cooper stated the current balance is from recent cases, so there is a high probability the Board will collect those amounts. There are also a few old cases that have been referred to the Attorney General's Office for collection.

Ms. Rice stated the compliance monitoring fees are a new component of the Compliance Program.

- Status of In-Office Surgery Reporting for 2007

Mr. Cooper explained that the 2007 reports were due from licensees on February 15, 2008. The Board sent out a total of 4,440 reporting forms to active licensees in Nevada, and in neighboring cities in California, Arizona and Utah, where the Board knows there are physicians who come to Nevada to practice. As of February 15th, the Board had received 3,730. As of March 19th, 3907 had been received. Of the 533 missing, all except about 25 had something to do with a bad address. Staff found current addresses and resent forms to them, but received only about 25 or 30 from the second mail-out. A third mail-out was sent to approximately 533 licensees, and those who do not respond will be the pool of those against whom the Board will pursue some sort of disciplinary action or a fine for non-compliance. The Legislature wants the information and wants to ensure we obtain the information. The bulk of the bad addresses are for those licensees have moved but have not notified the Board of their change of address. From those responses received, there were 3,730 negative reports where no conscious sedation was used in office, and 177 physicians who responded in the affirmative. There were 22 sentinel events. The types of procedures and the number of each type of procedure will be provided to the Legislature on the report.

Discussion ensued concerning whether the data collected is justified considering the manpower required to obtain it.

Discussion ensued concerning whether the Board could impose an administrative cost upon licensees who do not comply rather than a fine.

Dr. McBride asked whether a description of the sentinel events be provided at the next Board meeting, and Mr. Cooper stated it would.

- Discussion of Events and Investigative Timeline on Endoscopy Center of Southern Nevada, L.L.C.

Mr. Cooper stated that since February 27, 2008, he has worked almost full time on the Board's investigation of the Hep-C matter in Las Vegas, and has received much assistance from Investigators Pamela Castagnola and Heather Higgins. Due to confidentiality requirements, he can't say much, but he can say that they started in earnest on February 28th, and made initial phone calls and drafted subpoenas. There was a slight interruption when the City of Las Vegas closed down the clinics. They served subpoenas on a worker in the office that day, but two days before the information was due to the Board, law enforcement went into the clinics and took all the files and computers, which set the Board back again. They had trouble getting information during the first two weeks, but then began obtaining information on the clinics and presented an assessment to the Executive Director and the Legal Division. They are way ahead of where they normally would be in an investigation. They have learned a couple of things about a couple of statutes that prevent release of information between agencies and he has drafted a report for the Senate Committee on Commerce and Labor to that end.

Mr. Clark stated the two legislative changes will also be on the list of proposed legislation for 2009, which he will provide to the Board for its consideration at the June meeting. They add the Board as proper recipients of information during an investigation.

- Nevada State Medical Association Liaison Report

Dr. Lamerson said that with respect to the Hep-C matter in Las Vegas, physicians statewide are very concerned about the impact the media storm has had. Everyone is being lumped together and being tainted by this and there is a general consensus among physicians that they need to help patients understand that their physicians are patient advocates and are there to take care of the patients. There has been so much emotion and media play that physicians are very concerned with what has transpired.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, advised the Board that the Association's annual meeting will be held April 25th through 27th and obviously some of current headline issues will be discussed. They have been trying to assist physicians to encourage their patients and their patients' families to talk about their concerns. In some cases, physicians may need to initiate the conversation with their patients. They are also working with a coalition to attempt to get a federal pilot project into the state to bring electronic medical records into 200 small primary care practices. Additionally, they have joined with the Secretary of State's Office in encouraging use of the new web-based registry of advance directives and encouraging treating physicians to get that information on their patients.

- Clark County Medical Society Liaison Report

Dr. Rodriguez stated the majority of time during the meetings has been occupied with the Endoscopy Clinic crisis. The Nevada State Medical Association and the Clark County

Medical Society made a joint statement concerning the feelings and concerns they have about the injury to health of the citizens in the state of Nevada and have also given a statement to many physicians concerning questions physicians should have their patients ask, or physicians should bring up to their patients, in order to restore confidence of the public in the physicians in the state of Nevada.

Weldon Havins, M.D., J.D., President, Executive Director and Special Counsel of the Clark County Medical Society, stated he did not have anything to add, but would be happy to respond to any questions.

- Secretary-Treasurer
- Status of Finances

Dr. Baepler stated that the latest profit and loss statement and balance sheet were not definitive. But it appears to him that the Board's revenues are going to be about \$450,000 less than we had originally budgeted. The definitive number will be the number on June 30th, which will be the end of the first fiscal year. We can adjust expenses but we cannot adjust revenues. The strategy will be that any positions that become vacant shall remain vacant, which will save substantial money. He will propose that the Board go with an Acting Director for the remainder of the fiscal year after Mr. Clark retires. He thinks with those vacancies, the Board can come out of this without deficit spending, and the Board has the second fiscal year to make adjustments. The Board has more control in the second year than in the first year.

Ms. West asked whether the Board has looked at other areas in which to cut expenses. Dr. Baepler stated he has looked at the expenses, but many are fixed. When they have some definitive information as to where the Board stands at the end of the fiscal year, they will take another look at those expenses.

Dr. Anwar stated the Board does not want to be working short-handed to the point staff is unable to do the work or that any important action needed to be taken by the Board go for any period of time without action being taken on it.

Dr. Baepler left the meeting at 10:55 a.m.

Agenda Item 16

EXECUTIVE STAFF REPORTS

- Consideration of Request for Staff Attendance at Educational Meetings
- Discussion Concerning Hotel to Use for December 2008 Board Meeting
- Informational Items
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Clark requested authority for staff to attend the educational training outlined on the list provided to Board members as part of the agenda packet.

Dr. McBride stated that any staff member who feels they would benefit from attending the FSMB meeting should be allowed to attend. Additionally, any Board Member who wants to go to the IAMRA meeting should do so at his or her expense, due to the current financial status of the Board.

Dr. Anjum moved to approve the requests for training as outlined in the materials provided as part of the agenda packet. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion. Dr. Anwar added that this includes the comments Dr. McBride made concerning attendance at IAMRA.

Mr. Clark advised the Board that Ms. West has offered an opportunity for the Board to use the Excalibur for its meeting in December 2008, and he would like the Board to consider that as well as using the Renaissance Hotel that was used for the December 2007 meeting.

Ms. Munson stated that last year the Board ran into trouble booking a hotel for the December meeting by waiting for approval from the Board in June so it would be better if the staff began making inquiries now.

Ms. West recommended the Board select the best rate it can get between the two. Dr. McBride and Dr. Held agreed.

Agenda Item 17

LEGAL REPORTS - Edward O. Cousineau, J.D., Deputy General Counsel
Christine M. Guerri-Nyhus, J.D., Chief Deputy Attorney General

- Board Litigation Status

- Board Litigation Status

Mr. Cousineau reported there are 7 cases pending settlement and two being recommended for dismissal at this meeting. The November Investigative Committee meetings resulted in 30 letters of concern being sent last quarter and there are 31 to be generated following the most recent Investigative Committee meetings. Through January 2009, there are 22 cases set for hearing, 16 cases pending the filing of formal complaints and 25 cases pending investigative summaries. The Nevada Supreme Court did not set an oral argument in the Wick case, so is pending decision by the Supreme Court. The Lakner case is pending oral argument in District Court on judicial review and the Murphy case is awaiting submission on judicial review in the District Court.

Ms. Guerri-Nyhus reported the only court case being handled by the Attorney General's Office was the Giarrusso case, which has been settled. They are also working on a number of fee-collection cases on behalf of the Board, which are ongoing.

Agenda Item 18

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MANI NAMBIAR, M.D.,
BME CASE NO. 07-7759-1**

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau explained that the California Medical Board had revoked Dr. Nambiar's license to practice medicine, but had stayed the revocation contingent upon Dr. Nambiar's compliance with terms of probation placed upon him. The action against Dr. Nambiar's license in California was the basis for the complaint filed against him by the this Board. Mr Cousineau explained that pursuant to the terms of the settlement agreement, the Board would make a

finding that Dr. Nambiar violated NRS 630.301(3), and his license would be placed in probationary status, with terms similar to those of his probation in California, said probation to remain in effect until February 9, 2010.

Dr. Rodriguez asked when the Board was notified of the action taken in California, as that action took place in 2005. Mr. Cousineau was not sure when it was received, but it was brought to the Investigative Committee's attention last December. Mr. Cooper added that the case had been appealed and when a case is appealed, the Board has to wait until after the appeal has run its course before opening a case.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. Anjum seconded the motion,

Ms. Guerci-Nyhus named the adjudicating members.

A vote was taken on the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 19

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JAVIER TORRES, M.D.,
BME CASE NO. 07-11047-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

OPEN SESSION

Ms. Beggs explained that this was an out-of-state action, wherein Dr. Torres had action taken against his license by the Medical Board in California and was placed on probation in that state. In the Nevada settlement agreement, the terms take into consideration the fact that Dr. Torres completed the terms of his probation in California on October 27, 2007. Pursuant to the settlement agreement, the Board will find against Dr. Torres a violation of NRS Chapter 630 for modification of his license in another state, Dr. Torres will be suspended for 90 days, with the suspension stayed for 12 months, contingent upon his compliance with the terms and conditions of probation for those 12 months, which includes a \$1,000 fine and reimbursement of the Board's costs and expenses incurred in the investigation and prosecution of the case.

Ms. Guerci-Nyhus stated that before she named the adjudicating members, she wanted to note for the record that there had been a call in the press for the resignation of three of the members of this Board, all of whom are on the adjudicating panel for a number of these matters. Those individuals have been instructed by the Attorney General's Office to continue in their duties and to vote in accordance with NRS 232A.020, which requires that a board member continue in his appointment until a successor has been appointed and qualified. She then named the adjudicating members in this matter.

Dr. Anjum moved that the Board accept the settlement as presented. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 20

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KENT SWAINE, M.D.,
BME CASE NO. 07-20873-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

OPEN SESSION

Ms Beggs explained that Dr. Swaine had been summarily suspended in November 2007, based on three counts. Dr. Swaine was served with the order that his license had been suspended, and he has since complied with that order. Dr. Swaine also entered an in-patient rehabilitation center in Illinois, and has completed a portion of that program. He is back in Las Vegas and has entered into a five-year contract with the Diversion Program. She had consulted Dr. Mansky in the preparation of the settlement agreement. The settlement agreement addresses the Second Amended Complaint, which includes an additional count against Dr. Swaine. Pursuant to the settlement agreement, Dr. Swaine would be found guilty of all four counts of the Second Amended Complaint, his license would be revoked, with the revocation stayed contingent upon his compliance with the terms and conditions of probation. One of the terms of the settlement agreement is that Dr. Swaine's license will not be reinstated to active status until such time as the Diversion Program clears him and the Board also clears him. He also needs to return to the program in Illinois for a second evaluation to see how he is doing.

Ms. Guerri-Nyhus named the adjudicating members.

Dr. McBride stated that he had recused himself from consideration of the matter on November 27, 2007, at which time Dr. Swaine's license was suspended, and he was also recusing himself from the adjudication at this time for the same reason.

Discussion ensued concerning monitoring Dr. Swaine's compliance with the terms of the settlement agreement.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. Anjum seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 21

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BRIAN FOX, M.D., BME CASE
NO. 07-23881-1**

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau described the facts of the case, which were related to Dr. Fox's care of a patient. He then described the terms of the settlement agreement. Pursuant to the agreement, the Board would make a finding of one count of malpractice against Dr. Fox, a violation of NRS 630.301(4), he would receive a public reprimand, pay a \$5,000 fine and complete 20 hours of CME related to prenatal care.

Ms. Guerri-Nyhus named the adjudicating members.

Ms. Stoess moved that the Board accept the settlement as presented. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 22

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. EDDY LUH, M.D.,
BME CASE NO. 06-10439-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

OPEN SESSION

Ms. Beggs stated she wanted to be sure that the adjudicating Board members had received the First Amended Complaint, which superseded the original Complaint and was the complaint that should have been included with the settlement packet. Ms. Beggs then stated that part of the terms of the settlement agreement was that Dr. Luh would not be pleading guilty to the charge against him; it would be more in the context of a no-contest plea. He was agreeing the matter could be settled, but was not admitting wrongdoing in the case. He will receive a fine of \$500, he will complete 6 hours of CME and will reimburse 50% of the Board's costs and expenses incurred in the investigation and prosecution of the case. The reason he is only reimbursing 50% of the costs and fees is due to the fact that he is not admitting wrongdoing in the case.

Ms. Guerri-Nyhus named the adjudicating members.

Discussion ensued concerning the facts of the case and the settlement terms. Ms. Beggs stated the settlement would not be reportable to the National Practitioner Data Bank.

Ms. Stoess moved that the Board accept the settlement as presented. Dr. Held seconded the motion, and it passed, with Dr. Rodriguez and Ms. West opposed to the motion and the remaining adjudicating Board members voting in favor of the motion.

Agenda Item 23

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SYED AHMED, M.D.,
BME CASE NO. 07-9147-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

OPEN SESSION

Dr. Ahmed's attorney, Susan Pitz, Esq., was present on behalf of Dr. Ahmed.

Ms. Beggs described the facts of the case and the terms of the settlement agreement. Pursuant to the settlement agreement, Dr. Ahmed would be found guilty of four of the eight counts against him, his license would be suspended for six months, with the suspension stayed contingent upon his compliance with the terms and conditions of a 24-month probationary period, including a public reprimand, a \$1,000 fine, completion of CMEs and reimbursement of the Board's costs and expenses incurred in the investigation and prosecution of the case.

Ms. Guerri-Nyhus named the adjudicating members.

Discussion ensued concerning the facts of the case and the settlement terms.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. Held seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 25

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ROBERT HORNE, M.D.,
BME CASE NO. 05-9441-01**

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau explained that the Board had filed a complaint against Dr. Horne for malpractice related to his engaging in a sexual relationship with a former patient. He then described the terms of the settlement agreement. Pursuant to the settlement agreement, Dr. Horne would be found guilty of one count of malpractice, he would receive a public reprimand, a fine of \$2,500, and he would undergo evaluation and monitoring, on at least a monthly basis, by a Reno psychiatrist, for a period of 18 months. Dr. Horne would also reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case.

Mr. Cousineau explained that there were only five adjudicating members listed due to a change in the composition of the Investigative Committees following filing of the Complaint in the case.

Ms. Guerri-Nyhus named the adjudicating members.

Discussion ensued concerning the facts of the case and the settlement terms.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 26

**RECOMMENDATION FOR DISMISSAL WITHOUT PREJUDICE IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DOYLE STUART STEELE,
M.D., BME CASE NO. 05-7061-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

Agenda Item 27

**RECOMMENDATION FOR DISMISSAL WITHOUT PREJUDICE IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DOYLE STUART STEELE,
M.D., BME CASE NO. 05-7061-2**

- Lyn E. Beggs, J.D., Deputy General Counsel

OPEN SESSION

Ms. Beggs stated there were two requests for dismissal of cases against Dr. Steele before the Board. Dr. Steele's license to practice medicine was revoked at the last quarterly Board meeting, it had been discussed that, due to the revocation, it was appropriate to dismiss,

without prejudice, the remaining legal actions against Dr. Steele. Because the dismissal would be without prejudice, if the Board ever has cause to once again file the actions, it could do so.

Ms. Beggs explained that there were only four adjudicating members listed for these cases due to a change in the composition of the Investigative Committees following filing of the Complaint in the case.

Ms. Guerri-Nyhus named the adjudicating members for both cases.

Dr. McBride moved that the Board dismiss the cases against Dr. Steele without prejudice. Dr. Rodriguez seconded the motion.

Discussion ensued concerning whether the cases could have been taken to hearing and disciplinary action taken against Dr. Steele. Dr. Rodriguez stated he was concerned about the public perception of the Board's dismissal of the cases.

Dr. McBride wanted to state for the record that the Board took the appropriate action in revoking Dr. Steele's license, he is in federal custody, he will not be practicing in Nevada, and the Board is acting in the public interest by not wasting the Board's rather limited resources in pursuing these actions that would only sort of buff the record, and if Dr. Steele ever surfaces again in Nevada, the Board will bring the matters back up immediately.

A vote was taken on the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 28

LICENSURE RATIFICATION

Dr. Held moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the November 30 & December 1, 2007 Board meeting. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler returned to the meeting at 11:45 a.m.

Agenda Item 30

CONSIDERATION AND DISCUSSION CONCERNING ITEMS/MATTERS FOR POSSIBLE INCLUSION ON THE BOARD'S WEBSITE

Dr. Baepler stated this topic has been argued back and forth between the Board and the Medical Society, trying to find something satisfactory. The simple fact is most people don't understand malpractice suits and settlements. They don't realize many malpractice suits involve doctors who have done absolutely nothing wrong. A couple of sessions ago, the Legislature passed a bill delineating what the Board had to put on the website, and after arguing back and forth, it was finally agreed with everyone to put on the website what the Legislature said should be put on there. Now they are saying it is not enough. Somehow this needs to be coordinated with the medical community so the Board is not at war with the physicians.

Ms. Stoess volunteered to be a subcommittee of one to study what other states have on their websites and bring some options back to the Board at the next meeting. She also thinks

the website needs to be made over as it is not very user-friendly, and would like to work with Ms. Munson, the state I.T. Dept., and the Governor's office, since it is her understanding they would like to be involved.

Dr. Anwar stated said that although the Board complies with what the Legislature has directed be included on the website, it has recently been suggested that what was once there but is not now should be placed back on the website, so it is prudent to look at it seriously and come up with information that is user-friendly and ensure that the information provided makes sense and is explained well to the public.

Ms. Munson advised the Board that since the Board's website is hosted by the state's Department of Information Technology, the Department will redesign the Board's website at no cost to the Board. There is a movement in the State to redesign its agencies' websites so that they are similar in appearance to allow easier navigation by the public.

Dr. Baepler moved that Ms. Stoess be appointed as the committee to look into the information that should be included on the Board's website and to redesign the Board's website. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 31

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters would be on the Agenda for the June 2008 meeting: discussion concerning legislative initiatives for 2009 legislative session, annual review and discussion of professional competency of staff and staff compensation, consideration of approval of 2007 Board Annual Report, discussion concerning Board's policy on content of Board website, election of officers and appointment of committee members and consideration of the information provided by Dr. Merchant of the Reno Vein Clinic.

Dr. Anwar added that additionally, if any Board members want to add items to the agenda, they are welcome to do so.

Agenda Item 32

PUBLIC COMMENT

Dr. Anwar asked whether there were any members of the public present who would like to make a public comment, and there were none.

Dr. Baepler left the meeting at 12:00 noon.

Agenda Item 29

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

29(a) Thomas Oyer, M.D.

Discussion ensued concerning licensure by endorsement under the previous version of the statute.

Thomas Oyer, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Oyer whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anwar asked Dr. Oyer what special expertise he would bring to Nevada that would qualify him for licensure by endorsement when he otherwise doesn't meet the requirements for licensure.

Dr. Oyer described his practice history in occupational medicine.

Dr. Held asked Dr. Oyer when he last practiced clinical medicine.

Dr. Oyer stated he currently practices occupational medicine. He left general practice in 1995, and had done some occupational medicine prior to that. During the ten years from 1996 or 1997, when he started working for British Petroleum, he sometimes served as their general practitioner.

Dr. Held asked Dr. Oyer what type of practice he would have in Nevada.

Dr. Oyer stated he would be practicing occupational medicine for National Security Technologies in North Las Vegas and at the Nevada Test Site, and described the specific type of work he would be doing.

Dr. McBride stated that both North Las Vegas and the Nevada Test Site are both relatively underserved areas for physicians.

Dr. Held moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Oyer. Dr. McBride seconded the motion, and it passed, with Dr. Anwar and Dr. Lamerson opposed to the motion and the Chair voting in favor of the motion

29(b) Neha Patel, M.D.

Neha Patel, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Patel whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Lamerson questioned Dr. Patel concerning her leave of absence during her fellowship.

Dr. Patel explained that she was pregnant and had some complications during her pregnancy, and at the recommendation of her physician, she left the fellowship. She never returned because she moved to Las Vegas and there was no geriatric fellowship available in Las Vegas.

Dr. Lamerson asked whether she had taken her psychiatry boards and Dr. Patel stated she planned to take them in June 2009.

Dr. Lamerson questioned Dr. Patel concerning the fact that she has not practiced clinical medicine since 2005.

Dr. Patel explained that she took time off for personal reasons and to take care of her daughter, who had health problems. In order to keep current, she said she attended the American Psychiatric Conference last year and has continued to read her journals and keeps in touch with her colleagues. She has been told there is a severe need for psychiatrists in the Las Vegas area.

Dr. Lamerson questioned Dr. Patel concerning her difficulty in passing Step 3 of the USMLE.

Dr. Patel explained the circumstances surrounding her difficulty in passing Step 3.

Dr. Lamerson moved that the Board grant Dr. Patel's application for licensure contingent upon successful completion of a peer review. Dr. Rodriguez seconded the motion.

Discussion ensued concerning the peer review.

A vote was taken on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

29(c) Timothy Alan Girard, M.D.

Timothy Alan Girard, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Girard whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez questioned Dr. Girard concerning his affirmative response to Question 12 on his application for licensure.

Dr. Girard explained the circumstances surrounding the claims of malpractice against him.

Dr. Rodriguez moved that the Board grant Dr. Girard's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Anwar recessed the meeting for lunch at 1:00 p.m.

RECONVENE

Dr. Anwar reconvened the meeting at 2:15 p.m.

Agenda Item 29 ***(CONTINUED)***

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

29(d) Alexander Delaney, M.D.

Alexander Delaney, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Delaney whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Anjum moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Dr. Rodriguez moved that the Board grant Dr. Delaney's application for licensure contingent upon his satisfactory continuation of his contract with the Diversion Program. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion

29(e) George Baramidze, M.D.

George Baramidze, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Baramidze whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anjum questioned Dr. Baramidze concerning why he was unable to pass all three steps of the USMLE within the timeframe allowed by Nevada law.

Dr. Baramidze explained the reasons he had difficulty passing the tests. He did pass his internal medicine boards on his first attempt. He has not taken his nephrology boards, but is eligible to take them and plans to take them next year.

Dr. McBride read a line from a letter received by the Board from one of Dr. Baramidze's attending physicians, and asked that it go on the record: "He is the excellent product of one of the best training programs in medicine and nephrology in the US."

Dr. Baramidze explained that he has secured a job with a physician group in Las Vegas. Since he has a J1 Visa, he must practice in an underserved specialty, and internal medicine is an underserved specialty in Las Vegas.

Dr. Anwar concurred that internal medicine is an underserved specialty in Las Vegas.

Dr. Anjum moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Baramidze. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion

29(f) Jorge Sallaberry, M.D.

Jorge Sallaberry, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Sallaberry whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anwar questioned Dr. Sallaberry concerning the fact that he has not completed 36 months of progressive postgraduate training.

Dr. Sallaberry stated that the Board of Internal Medicine accepted his internship in Puerto Rico at a VA hospital as postgraduate training.

Dr. Anwar questioned Dr. Sallaberry concerning his affirmative response to Question 19 on his application for licensure.

Dr. Sallaberry explained the circumstances surrounding being placed on probation during his internal medicine residency training at Rochester General Hospital.

Discussion ensued concerning whether Dr. Sallaberry's postgraduate training qualifies as 36 months progressive postgraduate training.

Dr. Lamerson moved that the Board grant Dr. Sallaberry's application for licensure under NRS 630.160. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(g) Joseph DeCorso Jr., M.D.

Joseph DeCorso Jr., M.D. did not appear before the Board.

Dr. Anwar stated that Dr. DeCorso received a second peer review on January 25, 2008, by Georgianna Duxbury, M.D., and the results were unfavorable. There was a question following the first peer review as to whether the questions had been fair, but the questions asked during the second peer review were straightforward.

Dr. Held moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. DeCorso. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

29(h) Jude Onuoha, M.D.

Jude Onuoha, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Onuoha whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Held stated that Dr. Onuoha was appearing before the Board because his postgraduate training did not fit the traditional path of progressive postgraduate training accepted by the Board. Dr. Held stated that he had spoken with a preventive medicine

physician and was informed by her that Dr. Onuoha's training is a fairly common pathway of training for people in preventive medicine.

Ms. Stoess questioned Dr. Onuoha concerning his difficulty in passing step 3 of the USMLE.

Dr. Onuoha explained why he had difficulty passing step 3 of the USMLE.

Dr. Held moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Onuoha. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion

24(i) Venkataraman Muthusamy, M.D.

Venkataraman Muthusamy, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Muthusamy whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez questioned Dr. Muthusamy concerning his contradictory responses to questions on his application form and his initial registration form.

Dr. Muthusamy explained that when he completed the application, he completed it rapidly, and he thought the application form was similar to the form he had previously completed for hospital privileges, which had not asked about investigations, only actions. When he completed the second form, he saw that it specifically inquired about investigations, and he called Ms. Grunau, who advised him that both forms included investigations.

Ms. Grunau confirmed that Dr. Muthusamy had been forthcoming while she had been working with him.

Dr. Rodriguez moved that the Board grant Dr. Muthusamy's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

29(j) Norbert Anthony Jones, M.D.

Norbert Anthony Jones, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Jones whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. Stoess stated that Dr. Jones had not passed a major examination in the last ten years, but that he is "grandfathered" in his specialty of pathology, so he is not required to recertify.

Dr. Jones stated he is looking into recertification.

Dr. Jones described what he would be doing if he were granted a license in Nevada. He would not be practicing in Nevada; the company he works for has offices in Arizona and other states, and the lab where he works in Phoenix receives slides from other states, including Nevada. In order to work on those from Nevada, he needs to be licensed in Nevada.

Ms. Stoess moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Jones. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

24(k) Lakshmi Dhanvanthari, M.D.

Lakshmi Dhanvanthari, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Dhanvanthari whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Lamerson advised Dr. Dhanvanthari that the Board had been unable to verify her education through her medical school; that it cannot even get a copy of her transcripts from the school.

Dr. Dhanvanthari explained that she had the original transcripts with her and has requested that the school provide transcripts to the Board. She has licenses in multiple states in the United States and no other state has asked for transcripts from the school; she has always supplied the transcripts.

Ms. Daniels stated it is very unusual the school gave her the original transcripts. Board staff has worked with this medical school before. The medical school did supply a Form 1 to verify she attended the school and when she attended, but did not provide any transcripts.

Dr. Anwar suggested that ECFMG might have original source verification on her that she could obtain, and suggested tabling Dr. Dhanvanthari's application to the June meeting to allow Dr. Dhanvanthari to try to obtain direct source verification from the ECFMG.

Discussion concerning whether the Form 1 from the medical school was sufficient to verify her education under Nevada law.

Dr. Held moved that the Board grant an administrative license to Dr. Dhanvanthari. Dr. Anjum seconded the motion, and it passed, with Dr. Lamerson and the Chair opposed to the motion.

24(l) Joyce Chang, M.D.

Joyce Chang, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Chang whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Held stated that Dr. Chang was appearing before the Board because she attended a couple of medical schools that the Board considers of questionable quality, one of which is on a list that California excludes from accepting credits, and asked Dr. Chang why she attended the schools she did.

Dr. Chang explained why she attended those particular schools.

Dr. Held asked Dr. Chang whether she felt there were any deficiencies in her education at the medical schools she attended, and Dr. Chang stated she did not.

Dr. Lamerson questioned Dr. Chang concerning her difficulty in passing steps 1 and 2 of the USMLE, and Dr. Chang explained why she had difficulty passing the tests.

Dr. Lamerson asked how Dr. Chang did on her in-service tests, and she said she received a 75 percentile overall.

Dr. Rodriguez moved that the Board grant Dr. Chang's application for licensure. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar asked whether there were any other items on the agenda. Dr. Held stated that either for the June Board meeting, or before, since the Board was considering an interim Executive Director, he would like to create a committee to work on that. Dr. Anwar asked for volunteers, and Dr. Held, Ms. Stoess and Dr. McBride volunteered.

RECESS

Dr. McBride moved to recess the meeting. Dr. Rodriguez seconded the motion. Dr. Anwar recessed the meeting at 5:00 p.m.

SATURDAY, MARCH 29, 2008

Board Members Present

Javaid Anwar, M.D., President
Sohail U. Anjum, M.D., Vice President
Charles N. Held, M.D.
Jean Stoess, M.A.
Cindy Lamerson, M.D.
S. Daniel McBride, M.D.
Benjamin J. Rodriguez, M.D.
Renee West

Board Members Absent

Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Staff Present

Drennan A. Clark, J.D., Executive Director/Special Counsel
Laurie L. Munson, Deputy Executive Director/
Information Systems Administrator/Chief of Administration
Edward O. Cousineau, J.D., Deputy General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Lynnette L. Daniels, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing

Also Present

Christine M. Guerri-Nyhus, J.D., Chief Deputy Attorney General

RECONVENE

Dr. Anwar reconvened the meeting at 8:35 a.m.

Dr. Held stated that he wanted a southern Nevada Board member on the committee and that Dr. McBride had volunteered, so the committee would now consist of Ms. Stoess, Dr. McBride, Dr. Lamerson and Dr. Held.

Mr. Clark took roll call and all Board members except Dr. Baepler were present. Mr. Clark announced that there was a quorum.

Agenda Item 29 ***(CONTINUED)***

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

29(m) Evan Mitchell Klass, M.D.

Evan Mitchell Klass, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Klass whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. West asked Dr. Klass whether he had the option to take a recertification examination in his specialty of endocrinology.

Dr. Klass explained that recertification was available; however, at the time he became certified, board certification was for life, and since he has maintained an active practice, he did not feel it was necessary to recertify.

Dr. Rodriguez asked whether there was a shortage of endocrinologists in the area.

Dr. Klass stated that in speaking with most of the endocrinologists in practice and the hospitals in town, his assessment is that there is a dire shortage of endocrinologists in northern Nevada.

Dr. Lamerson concurred there is a dire need for endocrinologists in the area, and nationally as well.

Ms. West moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Klass. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

24(n) William George Cvetnic, M.D.

William George Cvetnic, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Cvetnic whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Held moved to go into Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Held moved that the Board grant Dr. Cvetnic's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

29(o) Waldemar Plachta, M.D.

Waldemar Plachta, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Plachta whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Anjum questioned Dr. Plachta concerning the fact that he has not passed a major examination in the last 10 years.

Dr. Plachta stated he is "grandfathered" in his specialty of anesthesiology and is not required to recertify.

Dr. Rodriguez asked Dr. Plachta what special expertise he would bring to Nevada that would qualify him for licensure by endorsement when he otherwise doesn't meet the requirements for licensure.

Dr. Plachta described his expertise in certain procedures.

Dr. Anjum moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Plachta. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

29(p) LaDawn Talbott, M.D.

LaDawn Talbott, M.D. appeared before the Board on her application for licensure by endorsement.

Dr. Anwar asked Dr. Talbott whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Rodriguez questioned Dr. Talbott concerning why it took her so long to pass all three steps of the USMLE.

Dr. Talbott explained that she was pregnant during her second year of medical school and had complications that required her to take a year off from medical school. Then, when she was going to register to take Step 3 in 2005, she became ill and had to have emergency surgery, and shortly after she regained her health, they were hit by Hurricane Katrina.

Dr. Rodriguez asked Dr. Talbott what special expertise she would bring to Nevada that would qualify her for licensure by endorsement when she otherwise doesn't meet the requirements for licensure.

Dr. Talbott explained that she has trained with Dr. Robert Allen, who has pioneered a new type of breast reconstruction, and stated it is a procedure that is not offered in all places in the United States. She also plans to work in Winnemucca once a month, which is an underserved area for plastic surgeons.

Dr. Rodriguez moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Talbott. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

24(q) Kim Adamson, M.D.

Kim Adamson, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Adamson whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did, but he wanted Joan Hall and Chandler McPherson, who had accompanied him, to remain

Dr. Held moved to go into Closed Session. Dr. McBride seconded the motion, and it passed.

Upon returning to Open Session, Dr. Adamson withdrew his application.

Agenda Item 32

PUBLIC COMMENT

Dr. Anwar asked whether there were any members of the public present who would like to make a public comment, and there were none.

ADJOURNMENT

Dr. Held moved to adjourn the meeting. Dr. Anjum seconded the motion, and it passed. Dr. Anwar adjourned the meeting at 10:00 a.m.